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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,802	09/30/2003	Thomas Chadzelek	13913-089001 / 2003P00315	3771

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EXAMINER	
AUGUSTINE, NICHOLAS	
ART UNIT	**PAPER NUMBER**
2179	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/676,802	CHADZELEK ET AL.	
	Examiner	Art Unit	
	Nicholas Augustine	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 September 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-17 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. *The claimed invention does not fall within at least one of the four categories of patent eligible subject matter recited in 35 U.S.C. 101 (process, machine, manufacture, or composition of matter)* as disclosed in the specification "computer program tangibly embodied in an information carrier, e.g., in a propagated signal (pg.13, line 10). Signals carrying instructions or other functional descriptive material or a computer program per se is not included in one of the statutory categories of invention, more information about this matter is covered in the *Annex IV of the Interim Guidelines for Subject matter Eligibility.*

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Microsoft Windows XP Professional Operating System with included software Internet Explorer.

Note: Windows Explorer is the Graphical Shell used by the Microsoft Windows XP Professional Operating System.

As for independent claims 1 and 18, Microsoft teaches a computer program product and corresponding method (fig.1), tangibly embodied on an information carrier, for navigating user interface elements of a computer program application (fig.2), the product comprising instructions operable to cause data processing apparatus to: detect a navigation key press of a navigation key, the navigation key having a group identifier (fig.2; e.g.- Document1 and fig.5; e.g. "3 Main"); identify a selected group of user interface elements associated with the group identifier (fig.5 "child nodes"); and shift input focus to a user interface element in the selected group based on the navigation key (fig.5; wherein the user can

select objects through manipulation of the keyboard, e.g. arrow keys, context menu key, shift-x, alt -x, assigned hot keys, etc...).

As for dependent claims 2-8 and 19-22, Microsoft teaches the product of claim 1 and corresponding method of claim 18, wherein:

- the navigation key is a forward navigation key or a backward navigation key; and shifting input focus to a user interface element comprises shifting input focus to a next user interface element in the selected group if the navigation key is a forward navigation key, and shifting input focus to a previous user interface element in the selected group if the navigation key is a backward navigation key (fig.3, wherein the user can use a variety of defined keyboard controls and shortcuts to navigate through a graphical user interface).
- the user interface elements have associated text labels, and wherein the user interface elements associated with the group identifier are user interface elements having an associated text label with a first character that matches the group identifier (fig.5; "3 Main" and "3 Home").
- a character matches a group identifier if both are the same character regardless of character case (fig. 5).
- a character matches a group identifier if both are the same character in the same case (fig. 5).

- group the user interface elements into groups based on the first character of the associated text label of the elements at application run time (fig.5; of course, those skilled in the art will appreciated that when the user activates the root node/ or parent node to display children nodes in the explorer window that the list is read from a file and then drawn to the screen, dynamically; hence the graphics of the menus were not there before hand.)
- group only the user interface elements in a current screen of the application into groups based on the first character of the associated text label (fig.5; wherein it is appreciated that the list are user defined, the function "sort by name" if clear to sort/organize the list by first characters of a control).

As for independent claims 9 and 23, Microsoft teaches a computer program product and corresponding method, tangibly embodied on an information carrier, for a software application having user interface elements, the product comprising instructions operable to cause data processing apparatus to: detect a sequence of one or more navigation key presses of navigation keys (fig.2, 3,5; wherein the user can use the operating system defined keyboard control keys, shortcuts, hot keys, etc...), each navigation key having a group identifier (fig.5; wherein the user presses a navigation key and it is assigned to the location of the group identifier; for instance if the user presses "Alt-f" the group identifier for that key is the file context menu to which focus it shifted

towards), each navigation key being a forward navigation key or a backward navigation key (fig.3; wherein the keyboard has defined functionality given by the operating system such as the left and right arrows and the tab and shift-tab controls, etc..); generate a navigation string from the sequence of one or more group identifiers for the one or more navigation keys (fig.2 and 3; e.g. alt-tab and alt-x; of course, those skilled in the art will appreciate that a keyboard string (alt-x) can be used as defined by the operating system); and shift input focus to a user interface element identified by the navigation string (fig.2 and 3; e.g. alt-tab and alt-x).

As for dependent claims 10-12 and 24-26, Microsoft teaches the product of claim 9 and corresponding method of claim 23, wherein instructions to detect a sequence of one or more navigation key presses comprise instructions to:

- detect a sequence of forward navigation key presses (fig.7), the sequence having a first navigation key press and a last navigation key press (fig.3, left and right arrows, etc); initialize the navigation string when the first navigation key press is detected (of course those skilled in the art will appreciate that when the user presses a key sequence/ string of keys the operating system listener for that program will communicate and act on the keys pressed; start a time out interval with each forward navigation key press; and determine the

last navigation key press as the key press after which no forward navigation key presses are detected within the time out interval.

- detect a sequence of backward navigation key presses, the sequence having a first navigation key press and a last navigation key press; initialize the navigation string when the first navigation key press is detected; start a time out interval with each backward navigation key press (associated with the listener of the operating system); and determine the last navigation key press as the key press after which no backward navigation key presses are detected within the time out interval (note the above analysis of forward navigation).
- shift input focus to a next user interface element having a text label starting with the same characters as the characters in the navigation string, if the navigation key is a forward navigation key; and shift input focus to a previous user interface element having a text label starting with the same characters as the characters in the navigation string, if the navigation key is a backward navigation key (fig.2,3 and 5; wherein focus is being shown).

As for independent claims 13 and 27, Microsoft teaches a computer program product and corresponding method, tangibly embodied on an information carrier, tangibly embodied on an information carrier, for providing activation keys for user interface elements of a computer program application, the product comprising instructions operable to cause data processing

apparatus to: detect an ensemble of sequential activation key presses, each activation key comprising a character (note the analysis of claims 1 and 9), thereby detecting a sequence of characters; identify a matching activation user interface element by finding an activation user interface element having a label matching the sequence of characters; and perform an action associated with the matching activation user interface element (note the analysis of claims 1 and 9; e.g. the user presses alt-x, wherein x is related to a character of a control so the user can scroll through the parent nodes of selection based on character association).

As for dependent claims 14-17 and 28-31, Microsoft teaches the product of claim 13 and corresponding method of claim 27, wherein instructions to detect an ensemble comprise instructions to:

- detect a sequence of one or more characters that uniquely identifies an activation user interface element (note analysis of claim 13, 1 and 9; "alt-x", etc...).
- the sequence of one or more characters is a sequence of identical group identifiers (note the analysis of claims 13, 1 and 9; "alt-x", etc).
- detect one or more sequential activation key presses entered by a user within a time threshold (note the analysis of claims 1,9 and 13; wherein the operating system has a listener for the explorer application to listen for user imputer from peripheral devices.)

- the pressing and releasing of an activation modifier key delimits the activation key presses in the ensemble (of course those skilled in the art will appreciate that if the user presses a key command on the keyboard that the listener will send command with the appropriate action associated with the appropriate control).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 3-7,20 and 21 are rejected under 35 U.S.C. 102(b) as anticipated by Microsoft or, in the alternative, under 35 U.S.C. 103(a) as obvious over Benhase et al (US 2004/0243616).

Benhase teaches:

- the user interface elements have associated text labels, and wherein the user interface elements associated with the group identifier are user interface elements having an associated text label with a first character that matches the group identifier (fig.3;par.36).
- a character matches a group identifier if both are the same character regardless of character case (fig.3;par.36).
- a character matches a group identifier if both are the same character in the same case (fig.3;par.36).
- group the user interface elements into groups based on the first character of the associated text label of the elements at application run time (fig.3;par.36).
- group only the user interface elements in a current screen of the application into groups based on the first character of the associated text label (fig.3;par.36).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the product/ method of Microsoft into the product/ method of Benhase. This is true because the windows explorer a tree based file directory can be displayed adjacent to a list or table of files and associated information on the computer monitor. For example, the tree may indicate various directories and

subdirectories (controls, links to) arranged in an expandable and collapsible format (par.4, lines 4-10).

It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006,1009, 158 USPQ 275, 277 (CCPA 1968)).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US-20040160464	System and method for providing a graphical user interface and alternate mappings of management information base objects
US-5886694	Method for automatically laying out controls in a dialog window
US-6297824	Interactive interface for viewing retrieval results
US-5896133	GUI for navigating between street, hallway, and function metaphors
US-5491795	Window management system with a hierarchical iconic array and miniature windows
US-5295243	Display of hierarchical three-dimensional structures with rotating substructures

Inquires

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Augustine whose telephone number is 571-270-1056. The examiner can normally be reached on Monday - Friday: 7:30- 5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nicholas Augustine
Examiner
AU: 2179

N. Augustine
January 4, 2007

BA HUYNH
PRIMARY EXAMINER